

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

NOV 08 2013

Clerk, U.S. District Court
District Of Montana
Missoula

BERNARDO FERNANDEZ,

CV 13-00227-M-DWM-JCL

Plaintiff,

vs.

ORDER

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

On October 31, 2013, the Court received Plaintiff Bernardo Fernandez's Complaint along with five nearly identical complaints submitted in Civil Actions No. 13-CV-00225-M-DWM-JCL, 13-CV-00226-M-DWM-JCL, 13-CV-00228-M-DWM-JCL; 13-CV-00229-M-DWM-JCL, and 13-CV-00230-M-DWM-JCL. Neither the filing fee nor a motion to proceed in forma pauperis was submitted in any of these cases. The complaints were all received in the same envelope with a return address of Young Yil Jo c/o the Etowah County Jail in Gadsden, Alabama.

The Complaint filed in Civil Action No. 13-CV-00225-M-DWM-JCL is in the name of Young Yil Jo, a former federal prisoner who according to the Federal Bureau of Prisons website was released on May 8, 2013. Yil Jo has filed hundreds of frivolous lawsuits throughout the country. He has been denied permission to

proceed in forma pauperis in Civil Action No. 13-CV-00225-M-DWM-JCL and that case is closed.

The Complaint at issue here, is styled in the name of Bernardo Fernandez but is not signed. The Court has serious concerns regarding this Complaint. First, it appears Yil Jo drafted the Complaint because the complaints are so similar and the handwriting on the complaints and Yil Jo's filings in this and other jurisdictions is the same. Secondly, Yil Jo has a history of submitting complaints in other prisoners' names without their knowledge. He has done so previously in this Court.¹ In addition, the Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. Enriquez had informed the Court that many lawsuits filed in his name were not filed by him. *See* Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

More important, however, is that this Complaint has not been signed. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written

¹ *See* Civil Action Nos. 12-CV-118-BLG-RFC, 13-CV-98-M-DWM, 13-CV-110-M-DWM, 13-CV-125-M-DWM, 13-CV-135-M-DWM, 13-CV-144-M-DWM, 13-CV-145-M-DWM, 13-CV-00192-M-DWM-JCL, 13-CV-00201-M-DWM-JCL, and 13-CV-00202-M-DWM-JCL.

motion and other papers be signed by a party personally if the party is unrepresented.

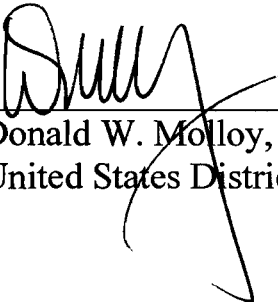
It appears that Yil Jo drafted this Complaint and it is unclear whether Fernandez has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint will be stricken and this matter closed.

Based upon the foregoing, the Court issues the following:

ORDER

The Complaint is stricken and the Clerk of Court directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 8th day of November, 2013.



Donald W. Molloy, District Judge
United States District Court